UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
2007 DEC 21 AM 9:59

UNITED STATES OF AMERICA,	)	Magistrate Docket No. '07 MJ 2952
Plaintiff,	)	
	)	COMPLAINT FOR VIOLATION OF:
v.	)	
	)	Title 8, U.S.C., Section 1326
Raul FIERRO-Leal,	)	Deported Alien Found in the
	)	United States
	)	
Defendant	)	

The undersigned complainant, being duly sworn, states:

On or about **December 19, 2007** within the Southern District of California, defendant, **Raul FIERRO-Leal,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **21st** DAY OF **December 2007.**

William McCurine Jr.
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Raul FIERRO-Leal

PROBABLE CAUSE STATEMENT

On December 19, 2007, Border Patrol Agent M. Rivera was assigned to the Murrieta Border Patrol area of responsibility. Agent Rivera was observing vehicle traffic at the intersection of Old Highway 395 and W. Rainbow Valley Boulevard. This area of the I-15 corridor is located approximately 75 miles north of the international border and one mile south of the I-15 Border Patrol Checkpoint in Temecula California.

At approximately 8:35 p.m., Agent Rivera observed a white Chevrolet truck exit the North I-15 freeway and hesitate at the top of the onramp. Agent Rivera observed the vehicle initially enter the intersection as if to travel north onto I-15, but then the vehicle turned west on Rainbow Valley Boulevard. Rainbow Valley Boulevard has no outlet for motorists other than to re-enter the southbound lanes of I-15 or enter the California Highway Patrol truck scales.

Agent Rivera began to follow the vehicle. Agent Rivera believed the vehicle was attempting to avoid the I-15 Checkpoint. Agent Rivera performed a vehicle stop on the white Chevrolet truck on W. Rainbow Valley Boulevard and the I-15 south onramp.

Agent Rivera approached the vehicle and identified himself as a United States Border Patrol Agent and questioned the driver as to his identity and country of citizenship. The driver later identified as the defendant **Raul FIERRO-Leal**, stated that he was a citizen of Mexico. Agent Rivera asked the defendant if he had any immigration documents and the defendant stated that he did not have any with him and admitted that he was present in the United States illegally. Agent Rivera arrested the defendant and transported him to the Murrieta Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **October 25, 2004** through **Nogales, Arizona.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights which he stated he understood and was willing to answer questions without having an attorney present. The defendant again admitted to being a citizen and national of Mexico without having any immigration documents that would allow him to enter or remain in the United States.

James Trombley
Senior Patrol Agent

William McCurine Jr.
U.S. Magistrate Judge

12/21/07 0928 hrs
Date/Time